

AGENDA



Thursday, December 13, 2007

Public Hearings and Possible Actions RECOMMENDATION FOR COUNCIL ACTION

Item No. 126

Subject: Conduct a public hearing and consider an appeal by Steven Nacamuli of a decision by the Residential Design and Compatibility Commission denying a modification request for a proposed single family residence located at 2006 Hopi Trail to increase the floor-to-area ratio by 25 percent and to increase the side wall length before articulation is required to 61 feet.

Fiscal Note: There is no anticipated fiscal impact. A fiscal note is not required

For More Information: Jessica King, 974-2728; Joi Harden, 974-3345

Boards and Commission Action: Modification request denied by the Residential Design and Compatibility Commission.

The appellant, Steven Nacamuli, is appealing the Residential Design and Compatibility Commission's (RDCC) denial of his modification request for a single family residence at 2006 Hopi Trail to:

1. Allow a 25 percent increase in the floor-to-area ratio (FAR) from the maximum development allowed, and
2. Allow a 91 percent increase in the side wall length before articulation is required by Chapter 25-2 of the Land Development Code, Subchapter F: Residential Design and Compatibility Standards "McMansion" Ordinance.

Granting the appeal would allow the applicant to have:

1. A FAR of .49 (2,649 square feet), where the maximum FAR would have been .4 (2,422.4 square feet), and
2. A side wall length of 61 feet before an articulation is required, where the maximum length would have been 32 feet. This means that a side wall articulation would not be required.

Background and Basis for the Appeal

On September 5, 2007 a public hearing was held and the RDCC voted to postpone the request to the October 3, 2007 meeting. The commissioners asked that the appellant return with a chart listing floor-area-calculations for a radius within 300 feet of the proposed construction. At the October 3, 2007 meeting, a public hearing was held, testimony taken, and the Commission voted six to two to deny the request for modification. One commissioner was absent.

The appellant's basis for the appeal rests in his claim that there were multiple commissioners that stated the construction plans met the requirements to receive a modification from Subchapter F: Residential Design and Compatibility Standards because the proposed development is in compliance with neighborhood design guidelines, consistent with streetscape, consistent with scaling, and considerate of impact on privacy to neighbors. The appellant also bases his appeal on the premise that no commissioner stated any objection to the house plans.

Based on the above information, the appellant is requesting the RDCC's decision be overturned and that the appellant be granted his modification request to build a new single family residence with a 25 percent

increase in the floor-to-area and a 91 percent increase before a sidewall articulation is required by Subchapter F: Residential Design and Compatibility Standards "McMansion" Ordinance.